

**LATHAM & WATKINS LLP**

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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,  
Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L.  
Madoff Investment Securities LLC and the Chapter  
7 Estate of Bernard L. Madoff,

Plaintiff,

v.

ABN AMRO BANK (IRELAND), LTD, (f/k/a  
FORTIS PRIME FUND SOLUTIONS BANK  
(IRELAND) LIMITED) and

ABN AMRO CUSTODIAL SERVICES  
(IRELAND), LTD (f/k/a FORTIS PRIME FUND  
SOLUTIONS CUSTODIAL SERVICES  
(IRELAND) LTD.),

Defendants.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-05355 (CGM)

**DECLARATION OF THOMAS J. GIBLIN IN SUPPORT OF ABN IRELAND'S  
MOTION TO DISMISS THE SECOND AMENDED COMPLAINT**

I, Thomas J. Giblin, hereby declare:

1. I am a counsel at the law firm of Latham & Watkins LLP, 1271 Avenue of the Americas, New York, New York, 10020, attorneys for Defendants ABN AMRO Bank (Ireland) Ltd. (f/k/a Fortis Prime Fund Solutions Bank (Ireland) Ltd.) (n/k/a ABN AMRO Retained Custodial Services (Ireland) Limited) and ABN AMRO Custodial Services (Ireland) Ltd. (f/k/a Fortis Prime Fund Solutions Custodial Services (Ireland) Ltd.) (together, “ABN Ireland”).

2. As a member in good standing in this Court and in the Bar of the State of New York, I respectfully submit this Declaration in support of ABN Ireland’s Motion to Dismiss the Second Amended Complaint (“SAC”), ECF No. 205.

3. Attached hereto as Exhibit A is a true and correct copy of a November 2006 Credit Application for Rye Select Broad Market XL Fund, LP, referenced in SAC ¶¶ 176, 236.

4. Attached hereto as Exhibit B is a true and correct copy of a Credit Committee Memorandum regarding “Proposed Limits for PFS Exposure to Bernard Madoff Securities Strategy” dated January 18, 2007, referenced in both of the Trustee’s prior complaints, *see* ECF No. 1 ¶¶ 91-94, 97; ECF No. 42 ¶¶ 92, 94-97, and in SAC ¶¶ 18, 230, 232, 237.

5. Attached hereto as Exhibit C are a true and correct copy of a Memorandum prepared by employees of MeesPierson in Dutch and dated May 15, 2003, referenced in SAC ¶ 132; a true and correct copy of an English language translation of that same Memorandum; and a true and correct copy of a Translation Certificate certifying the accuracy of the English language translation.

I declare under penalty of perjury that the foregoing is true and correct, pursuant to 28 U.S.C. § 1746.

Executed this 19th day of August, 2022 in New York, New York.



Thomas J. Giblin